

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JOEL BRUCE SCHOONOVER,

Plaintiff,

v.

CIVIL ACTION NO. 5:04-0638

MOUNT OLIVE CORRECTIONAL CENTER, et al.,

Defendants.

ORDER

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court grant the State Defendants' Motion to Dismiss (Document No. 26) with respect to Defendants West Virginia Division of Corrections, Mount Olive Correctional Complex, St. Mary's Correctional Center, Thomas McBride, and William Fox and deny the State Defendants' Motion (Document No. 26) in all other respects; deny Defendant Dr. Williamson's Motion to Dismiss (Document No. 31); and refer this matter back to the Magistrate Judge for the scheduling of further proceedings. Defendant Williamson has filed an objection to the Magistrate Judge's findings and recommendation.

The Court, having reviewed, de novo, the pleadings and Defendant Williamson's objection, **ADOPTS** the Magistrate Judge's Findings and Recommendation. Defendant Williamson contends that the amended complaint fails to state an adequate claim against him and that the Magistrate Judge read into the complaint allegations not stated by Plaintiff. The Court disagrees. Plaintiff is

entitled, at this early stage, to the liberal construction and reasonable inferences used by the Magistrate Judge in reviewing the sufficiency of his allegations.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented parties.

ENTER: September 13, 2005

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE